

REMARKS/ARGUMENTS

In accordance with 37 C.F.R. §1.97, enclosed herewith is a supplemental information disclosure statement identifying U.S. 5,364,133 A (HOFER et al) filed on November 15, 2004 as relating generally to the above-identified application. For the convenience of the Examiner, this reference is listed on the attached PTO Form PCT/ISA/210 (second sheet). It is requested that the referenced patent be considered in the examination of this application and that its consideration be made of written record in the application file.

This application has been carefully reviewed in light of the Office Action dated July 6, 2005. In that Office Action claims 1-39 were pending, claims 30-39 were withdrawn from consideration and claims 1-29 were rejected. Claims 1-6 and 9-13 were rejected under 35 USC §102(b) as being anticipated by Herreros Rodriguez et al. (2001/0015553). Claims 1-5, 8-12, 14-16, 18 and 19 were rejected under 35 USC §102(b) as being anticipated by Baucom (3,698,383). Claims 7, 20-22 and 24 were rejected under 35 USC §103(a) as being unpatentable over Herreros Rodriguez et al. in view of Penuela et al. (2004/0113421). Claims 6, 7, 20-25, 28 and 29 were rejected under 35 USC §103(a) as being unpatentable over Baucom in view of Mosher et al. (2003/0173408). Claim 13 was rejected under 35 USC §103(a) as being unpatentable over Baucom in view of Peterson et al. (5,448,846). Claim 17 was rejected under 35 USC §103(a) as being unpatentable over Baucom in view of Huddleston et al. (5,653,472). Claim 26 was rejected under 35 USC §103(a) as being unpatentable over Baucom in view of Mosher et al. and further of Huddleston et al. Claim 27 was rejected under 35 USC §103(a) as being unpatentable over Baucom in view Mosher et al. and further in view of Peterson et al.

Applicants have amended independent claim 1 to add as a limitation that the "primary identification zone and at least one of said detachable labels

includes a radio frequency identification (RFID) circuit.” Applicants have also amended dependent claim 7 so that “each” of the detachable labels as well as the primary identification zone include a radio frequency identification circuit.

Applicants believe that the above claim amendments place all claims 1-29 in condition for allowance. An identification band and associated detachable labels where both the band and the labels include radio frequency identification circuits is not shown in the prior art. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP §2143.03 (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)). All words in the claims must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

The rejection of claims 7, 20-22 and 24 under 35 USC §103(a) as being unpatentable over Herreros Rodriguez et al. in view of Penuela et al. fails to provide adequate justification for finding the combination in new independent claim 1 and independent claim 20 obvious. While Penuela et al. teaches the use of a radio frequency identification circuit with an identification band, it does not also teach the use of a radio frequency identification circuit with related detachable labels. There is no motivation in the prior art to combine Penuela et al. with Herreros Rodriguez et al. or to expand the teachings of Penuela et al. such that a radio frequency identification circuit is used with the detachable labels, as well as the identification band.

As with the combination of Herreros Rodriguez et al. in view of Penuela et al., the combination of Baucom in view of Mosher et al. also fails to disclose the combination claimed in new independent claim 1 and independent claim 20. Neither Baucom nor Mosher teaches the use of radio frequency identification circuits with both an identification band and related detachable labels. It would not have been obvious to include a radio frequency identification circuit on both the identification band and the associated labels in light of the cited prior art.

The existence of two or more distinct radio frequency identification circuits

in Penuela et al. would present difficulties in that each would likely have to be separately programmed and/or updated with information about the wearer at different times. In Penuela the identification band would be separated from the form and the related labels and cards at the time the band is attached to the patient. The unused labels and cards would then be stored separately from the wristband on the patient until such time as they would need to be used. If the related labels and cards had their own RFID circuitry, that circuitry would need to be updated with new information as the RFID circuit in the identification band were updated. In contrast, the present invention provides that unused labels remain with the identification band when attached to a patient. This relationship provides for ease of updating the information on the related RFID circuits since they are all in one location, i.e., on the patient's wrist.

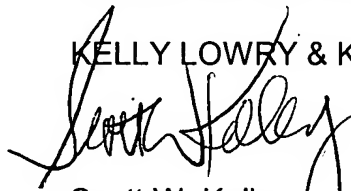
In light of the fact that the amended claim 1 and original claim 20 are allowable over the prior art, each of the claims dependent from these independent claims are likewise allowable over the prior art. Thus, Applicants respectfully submit that the cited prior art does not render claims 1-29 obvious.

CONCLUSION

Accordingly, it is submitted that each of the pending claims 1-29 are in condition for allowance, notice of which is respectfully requested.

Respectfully submitted,

KELLY LOWRY & KELLEY, LLP



Scott W. Kelley
Registration No. 30,762

SWK:cw
6320 Canoga Avenue, Suite 1650
Woodland Hills, California 91367
(818) 347-7900